



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,760	10/23/2001	Toshiaki Igi	JP920000322US1	2966

25259 7590 12/29/2005

IBM CORPORATION  
3039 CORNWALLIS RD.  
DEPT. T81 / B503, PO BOX 12195  
REASEARCH TRIANGLE PARK, NC 27709

EXAMINER
----------

ZURITA, JAMES H

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/037,760

**Applicant(s)**

IGI ET AL.

**Examiner**

James H. Zurita

**Art Unit**

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 and 8-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Prosecution History***

On 23 October 2001, applicant filed the instant application. The application was published on 25 July 2002 as PG-PUB 20020099627.

On 28 June 2005, the Examiner issued a first Election/Restriction Requirement.

On 14 July 2005, applicant responded, but did not elect a species.

On 26 September 2005, the Examiner issued a second Election/Restriction Requirement.

On 17 October 2005, applicant elected claims 1, 6 and 7 of Invention I.

### ***Election/Restrictions***

Applicant's election without traverse of Invention I.d, claims 1, 6 and 7, in the reply filed on 17 October 2005 is acknowledged.

Claims 1-18 are pending, of which claims 2-5, 8-18 are withdrawn from consideration.

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 23 October 2000. It is noted, however, that applicant has not filed a certified copy of the 2000-322595 application as required by 35 U.S.C. 119(b).

### ***Claim Objections***

The following claims contain informalities:

Regarding claim 6, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by  
PALTENGHE et al., PG-PUB 20010011250, published 2 August 2001.

***As per claim 1***, Paltenghe discloses a gateway service system, comprising:

- ***a home gateway*** for managing devices owned by a user. See paragraph 10, references to personal computers, smart telephone, communication devices. See also paragraph 21, concerning devices.
- ***a server of a service provider*** communicable with the home gateway via a network. See Information Bank System, paragraph 27, for example.

- **home gateway** transmits personal data of said user to said server of said service provider via said network. See Fig. 2, item 29.
- **server of said service provider** stores the personal data of said user received.  
See paragraph 61.

**As per claim 6**, Paltenghe discloses the gateway service system according to claim 1, wherein said home gateway transmits order data for an object such as an article or contents provided by a third party to said server of said service provider via said network and server of said service provider generates communicative order data by excluding said personal data which identifies said user based on said order data received from said user, and communicates said communicative order data to said third party. See paragraph 29 for role of Information Bank as intermediary between shopper and merchants (third-party providers of goods, services and information, as in paragraph 45).

**As per claim 7**, Paltenghe discloses the gateway service system according to claim 6, wherein responsive to said communicative order data, third party passes said object to said service provider, and service provider dispatches said object to said user based on said personal data of said user stored in said server of said service provider. See paragraph 27.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

Art Unit: 3625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**James Zurita**  
**Patent Examiner**  
**Art Unit 3625**  
22 December 2005

*James Zurita*  
*Patent Examiner*